

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 2:19-cr-295-GMN-NJK
)
vs.)
) MINUTES OF THE COURT
MARIO CASTRO, et al.,)
)
Defendants.) Date: September 28, 2022
)

THE HONORABLE GLORIA M. NAVARRO, UNITED STATES DISTRICT JUDGE

Deputy Clerk: NEV Reporter/Recorder: Patty Ganci

Counsel for Plaintiff: Timothy Finley, DOJ, Daniel Zytnick, DOJ, Mina Chang, AUSA, and Barry Bouchie.

Counsel for Defendants: Joshua Tomsheck, CJA, Richard Tanasi, CJA, Donald Green, Esq., Lucas Gaffney, CJA, Thomas Ericsson, CJA, William Brown, CJA, Christopher Mishler, CJA, with Lisa Smith, Paralegal, Margarite Montano, Mr. Green's assistant; and Brian Glynn, Technology.

MINUTES OF PROCEEDINGS: JURY TRIAL - DAY THREE

8:45 a.m. - Interpreters Judy Jenner and Estela Castro are sworn.

9:10 a.m. -The Court reconvenes outside the presence of the jury. The Court and parties discuss the Government's 522 Motion in Limine. The Court hears arguments of counsel. Mr. Green orally moves for a countermotion. The Court defers ruling until later today.

9:30 a.m. - The jury enters the courtroom. Earl Hoke, being previously sworn, resumes the stand on direct examination by Mr. Zytnick. **Government's exhibits 78, 79, 80, 81, 82, 214, and 215** are marked and admitted into evidence. Cross examination by Mr. Tomsheck, Mr. Mishler, and Mr. Green. Re-direct examination by Mr. Zytnick. Re-cross examination by Mr. Mishler. Witness is excused.

10:36 a.m. The jury is admonished and excused for a break. Outside the presence of the jury, the Court and parties resume arguments concerning the Government's 522 Motion in Limine.

10:58 a.m. - The Court stands at recess.

11:10 a.m. - The Court reconvenes outside the presence of the jury. The Court decides Government's 522 Motion in Limine is Granted in Part and Denied in Part.

11:16 a.m. - The jury enters the courtroom. Mr. Zytnick calls Troy Sabby to the stand. The witness is sworn and direct examination commences. **Government's exhibits 84, 85, 86, 87, 88, 90, 91, 92, 93, 96, and 97** are marked and admitted into evidence. Cross examination by Mr. Tomsheck.

11:40 a.m. The jury is admonished and excused for lunch. The Court stands at recess.

12:20 p.m. The Court reconvenes outside the presence of the jury. The Court is in receipt of a note from Juror #16 indicating Juror #2 is discussing the trial in the jury room. Juror #16 is brought to the courtroom and canvassed. The Court and counsel discuss note and pose additional questions. Juror #2 is brought to the courtroom and canvassed by the Court and counsel. Juror #2 is dismissed. The jurors are brought to the courtroom individually and canvassed.

2:03 p.m. - The Court stands at recess.

2:20 p.m. - The Court reconvenes outside the presence of the jury. The Court resumes canvassing the jurors.

3:38 p.m. - Defense counsel orally move for a mistrial. Mr. Finley opposes a mistrial. The Court hears arguments. As stated on the record, the Court declares a mistrial without prejudice. Jury trial is set for February 27, 2023, at 8:30 a.m. in LV Courtroom 7D before Judge Gloria M. Navarro. Calendar Call is set for February 21, 2023, at 9:00 a.m. in LV Courtroom 7D before Judge Gloria M. Navarro.

4:06 p.m. - Jury enters the courtroom. Jury is thanked and excused.

4:09 p.m. - The Court adjourns.

**DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT**

BY: /s/
NEV, Deputy Clerk